

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:18-cv-10712-DOC (SK) Date September 9, 2019

Title Joseph Chatman v. San Dimas Police Department et al.

Present: The Honorable Steve Kim, U.S. Magistrate Judge

Connie Chung

n/a

Deputy Clerk

Court Smart / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

None present

None present

Proceedings: (IN CHAMBERS) **ORDER TO SHOW CAUSE RE: FAILURE TO SERVE**

On June 10, 2019, Plaintiff filed his First Amended Complaint (FAC) against T. Ohno and four unnamed Does. (ECF 31). One week later, the FAC was ordered to be served on Defendant Ohno in his individual capacity. (ECF 33). Plaintiff was also granted limited discovery to identify the unnamed Does, given additional time to serve newly identified Does, and warned that failure to identify and serve Doe Defendants would result in their dismissal from this lawsuit. (ECF 29). Yet as of this order, Plaintiff has neither effectuated successful service on Defendant Ohno nor identified and served any Doe Defendants. (ECF 35, 38-40). Even though Plaintiff may seek the help of the U.S. Marshal for service of the summons and complaint because he is proceeding in forma pauperis, he alone bears ultimate responsibility to ensure proper service occurs on time. *See Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990).

Therefore, Plaintiff is **ORDERED TO SHOW CAUSE** on or before October 9, 2019, why this action should not be dismissed for failure to prosecute and failure to effectuate service of process. *See Fed. R. Civ. P. 41(b), 4(m)*. If Plaintiff no longer wishes to pursue this action, he may voluntarily dismiss the action without prejudice using the attached Form CV-09. *See Fed. R. Civ. P. 41(a)*. **Failure to file a timely response to this order or notice of voluntary dismissal will result in a recommendation that this action be dismissed without prejudice for lack of prosecution.** *See L.R. 41-1*.